

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION, AT JACKSON

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CLERK U.S. DISTRICT COURT  
W.D. OF TENNESSEE

EUGENE WILBUR, and )  
wife, GLORIA JEAN WILBUR, )  
 )  
Plaintiffs, )  
 )  
v. ) DOCKET NO. 1-05-1233- T AN  
 )  
WAL-MART STORES, INC., )  
 )  
Defendant. )

**RULE 16(B) SCHEDULING ORDER**

Pursuant to the scheduling conference set by written notice, the following dates are  
established as the final dates for:

INITIAL DISCLOSURES (Rule 26(a)(1)): December 9, 2005

JOINING PARTIES:

For Plaintiff: January 19, 2006

For Defendant: February 20, 2006

AMENDING PLEADINGS:

For Plaintiff: February 2, 2006

For Defendant: March 2, 2006

COMPLETING ALL DISCOVERY: August 1, 2006

(a) DOCUMENT PRODUCTION, INTERROGATORIES AND REQUESTS FOR

ADMISSIONS: August 1, 2006

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(b) EXPERT WITNESS DISCLOSURE (Rule 26):

- (1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION: June 1, 2006
- (2) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: July 1, 2006
- (3) SUPPLEMENTATION UNDER RULE 26(e) 10 days after defendant's disclosure: July 11, 2006

(c) EXPERT WITNESS DEPOSITIONS: August 1, 2006

FILING DISPOSITIVE MOTIONS: September 27, 2006

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26)(3):

- (a) for Plaintiff: November 10, 2006
- (b) for Defendant: November 27, 2006

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 3 days and is SET for JURY TRIAL on December 27, 2006 at 9:30 A.M. A joint pretrial order is due on December 15, 2006. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least 10 days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A), and (a)(1)(B), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order and a Certificate of Consultation.

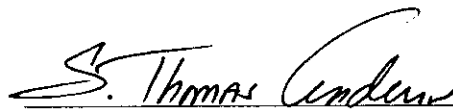
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

***The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.***

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

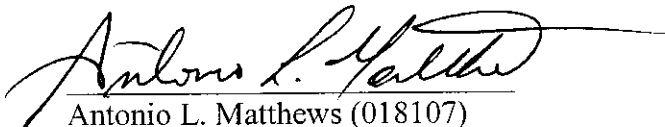
IT IS SO ORDERED.



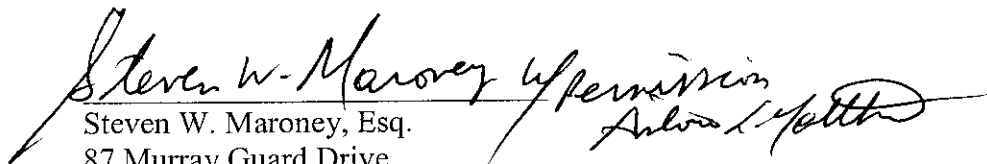
S. Thomas Anderson  
United States Magistrate Judge

Date: November 22, 2005

APPROVED FOR ENTRY:



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## Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 1:05-CV-01233 was distributed by fax, mail, or direct printing on November 23, 2005 to the parties listed.

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Carroll County Courthouse  
99 Court Square, Suite 103  
Huntingdon, TN 38344

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Honorable James Todd  
US DISTRICT COURT